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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,165

07/20/2006

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EXAMINER

PARKER, AUTUMN H

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

05/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,165	Applicant(s) ISHIKAWA ET AL.	
	Examiner AUTUMN PARKER	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claim 14 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 14 is merely claim 11 rewritten in independent form. As claim 11 was withdrawn from consideration, and newly added claim 14 does not contain any additional limitations directed to the elected species, it is not considered to be a "linking claim" as asserted in the Applicant's response to the previous Office Action.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 14 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Amendment

2. Claims 1-10 and 14 are currently pending. Claims 1 and 11 are currently amended. Claim 14 is newly added. Claim 14 has been withdrawn by the Examiner for the reasons stated above.

Response to Arguments

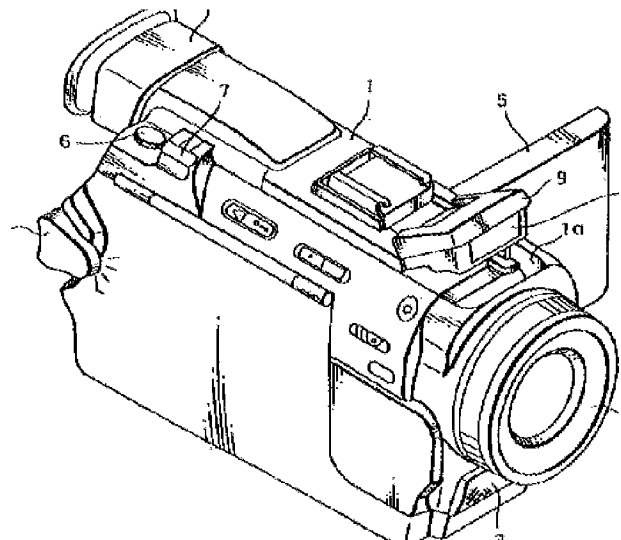
3. Applicant's arguments, see page 9, filed 17 February 2009, with respect to drawings and abstract have been fully considered and are persuasive. The objection of the drawings and the abstract has been withdrawn.
4. Regarding newly added Claim 14, the claim does not contain any additional limitations directed to the elected species, and is not considered to be a linking claim. Claim 14 appears to be Claim 11 written in independent form, including the limitations of Claim 1, and as such, is directed to a non-elected invention. Accordingly, Claim 14 has been withdrawn from consideration. (See 37 CFR 1.142(b) and MPEP 821.03, as well as the remarks made supra In the "Election/Restrictions" section.)
5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

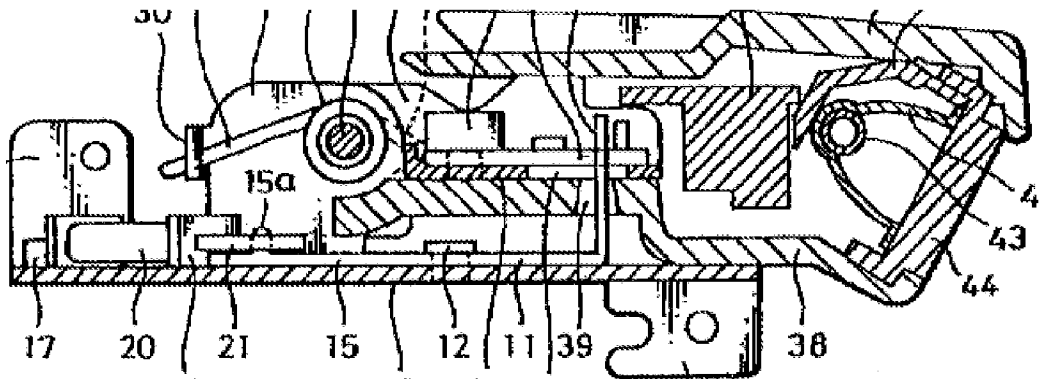
7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over



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Miyazaki et al., Pub. No. US 2002/0122666 (Miyazaki).

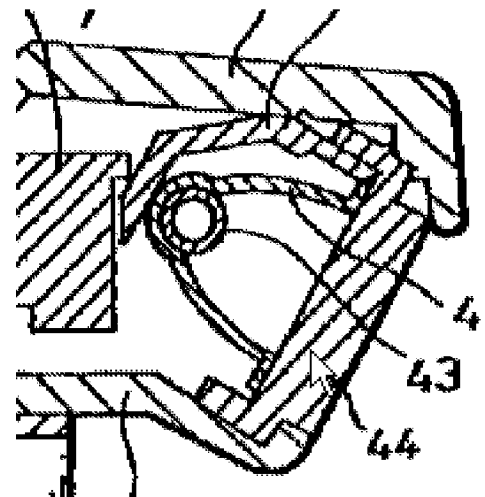
8. Regarding Claim 1, Miyazaki teaches an imaging apparatus (Fig. 2) comprising:
- an exterior case (Fig. 2) to which a lens device is attached (Fig. 2, [2]);
 - a base plate supported in the vicinity of an objective lens of said lens device;
 - a flashlight device (Fig. 2, [9]) pivotally connected to the base plate and capable of moving between a pop-up position and a storage position through a turning arm (Fig 3, [24]);
 - spring means (Fig. 3, [29]) that makes said flashlight device pop up to be urged to said pop-up position (p. 3, ¶ [0039]), the spring means in contact with the base plate and the flashlight device (p. 3, ¶ [0039]; Fig. 3, [29a/b]);
 - holding means (Fig. 3, [13]) for holding said flashlight device in said storage position, the holding means fixedly connected to the base plate and releasably connected to the flashlight device in the storage position (p. 3, ¶ [0043]);
 - wherein a light emitting portion faces the front of a subject in the pop-up position (Fig. 3, [44]).



Miyazaki does not specifically teach that the pop-up angle of the flash device is set at 20 degrees or less. Miyazaki does teach that the pop-up angle is set at a small inclination, for example, 35° (p. 3, ¶ [0038]). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have set the pop-up angle at an appropriately small inclination, such as 20° or less, for the purpose of directing the majority of the light emitted by the device at the subject to be photographed. Further, it has been held that changing relative dimensions is not novel in the case where the device would not perform differently than the prior art. (See MPEP 2144.04 IV. A.)

9. Regarding Claim 2, Miyazaki teaches the salient features of the invention as claimed above. Miyazaki further teaches said flashlight device is disposed in the upper direction of said holding means (Fig. 3) and adjacently in the vicinity of said objective lens (Fig. 2).

10. Regarding Claim 3, Miyazaki teaches the salient features of the invention as claimed above. Miyazaki further teaches said flashlight device



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includes a reflecting mirror (Fig. 3, [42]) in which a light source (Fig. 3, [43]) is loaded; said reflecting mirror has a pair of first reflecting surfaces which are made of part of a cylindrical curved surface and which are opposed to each other and a second reflecting surface which is continuous with said pair of first reflecting surfaces and in which a light source is stored (shown on Fig. 3, [23]); and a continuous portion, where said pair of first reflecting surfaces and said second reflecting surface continue, is set at a position on the opening portion side of the pair of first reflecting surfaces, which is displaced from the central portion of said stored light source (shown on Fig. 3).

11. Regarding Claim 4, Miyazaki teaches the salient features of the invention as claimed above. Miyazaki further teaches said second reflecting surface includes: a cylinder-like cylindrical surface portion obtained by making the central portion of said light source be the center of a curvature radius (shown in Fig. 3); a pair of parallel plane portions which are provided in part of said cylindrical surface portion and which are expanded in approximately parallel with a central surface that makes said pair of first reflecting surfaces symmetrical (shown on Fig. 3); and a pair of inclined plane portions that are provided in part of said cylindrical surface portion and are extended in the tangent line direction from a first intersecting portion, at which an extended line of the line connecting said continuous portion to said central portion intersects said cylindrical surface portion, to a second intersecting portion at which the pair of inclined plane portions intersect said parallel plane portions (shown on Fig. 3).

12. Regarding Claims 4-10, Miyazaki teaches the salient features of the invention as claimed above. Miyazaki does not necessarily teach the specifics of the flash holder in

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terms of the structural elements required to achieve such a shape, Miyazaki does teach that an elliptical shaped holder and flash device is known in the art and not novel. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have utilized the shape of the holder taught by Miyazaki to house the flash light source for the purpose of achieving specific reflecting angles without increasing the size of the apparatus. Further, it has been held that changing relative dimensions is not novel in the case where the device would not perform differently than the prior art. (See MPEP 2144.04 IV. A.)

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUTUMN PARKER whose telephone number is (571)270-3916. The examiner can normally be reached on Mon-Thurs, 8:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher E Mahoney/
Primary Examiner, Art Unit 2862

AP
11 May 2009